

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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In the Matter of)

Closed Captioning and Video Description)
of Video Programming)

MM Docket No. 95-176
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NOTICE OF INQUIRY

COMMENTS OF STUART AND MARILYN GOPEN IN THE NOTICE OF INQUIRY REGARDING CLOSED CAPTIONING AND VIDEO DESCRIPTION

To The Commission:

Stuart and Marilyn Gopen are writing in response to your request for comments in the "Notice of Inquiry", FCC 95-484, in the above-captioned proceeding, released December 4, 1995.

Stuart and Marilyn Gopen are the parents of Justin Gopen, a profoundly deaf 17-year-old who has had no usable hearing even with amplification for his entire life.

(paragraphs 11 and 12) The availability of closed captions is probably the most important aspect affecting the quality of life for our son, Justin. Captions open the vast world of entertainment, knowledge and information to him and his life would be sad indeed without them. He uses captions to have access to programs. Without captions, all programs are useless to him, the same as if hearing people were forced to watch programs with no audio. With captions, the information contained in a program is made accessible to him. This results in a gigantic improvement in the quality of his life for many reasons, the foremost being he can understand what is going on around him and therefore be an active participant in our culture and a productive member of society. Since deaf people can not listen to the radio, they have limited information sources and thus depend on closed captions to let them participate in life the way hearing people take for granted. Captions are their lifeline to the world around them!

(paragraph 12) Justin has been exposed to captions for virtually his entire life. Both Marilyn and I firmly believe it is this exposure that has enabled him to

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achieve exceptional English skills. In fact, he has tested post-high school for many years now and both his written and reading levels are far better than most hearing students his age. He is in the 95th percentile when compared to all students, not just other deaf students. Anyone he meets comments almost immediately at what sophisticated, marvelous communication skills he possesses. In Marilyn's and my minds, this is due almost entirely to the thousands of hours of captioned programming he has watched over the years. As a child, he had very few friends and spent most of his time watching television and home videos. Although in many ways this was not a good thing, due to caption availability, it gave him the English skills he will desperately need to succeed in life. Suffice it to say that if a program is not captioned, he will not watch it. It is not a question of 'better comprehension'. The fact is: if a program is captioned, it is understandable; if it is not captioned, it is totally useless to him.

(paragraph 12) There are many uses of captions other than providing access. For example, I have perfect hearing but use captions routinely. When I am watching a program, captions help me to catch little pieces of the dialog that sometimes is unclear due to heavy accents being used or loud background noises masking the dialogue. When the phone rings and I have to talk to someone during the show, I can mute the sound but still know what's happening due to the captions. I can see the lyrics to some of my favorite songs and finally know what the words are. In a noisy environment like a restaurant, I can watch a program and know what's going on. When I am on a treadmill in my health club, I can enjoy a program IF it is captioned while still listening to the background music being constantly played over the club's audio system. When my wife wants to go to sleep earlier than I do, I can mute the television and still enjoy it IF the program is captioned.

(paragraphs 14-16) Although the amount of captions on the four major networks has become very good (but not fully captioned), the amount of captions on the remaining channels (50 more on our cable system) is abysmal. I would estimate that of all the programs that are shown on our cable system in a day, about 1% are captioned. This means that Justin's access to information is severely limited. Frequently, he is bitterly disappointed when a program comes on that he would really like to watch, but it appears without captions and he has to leave the room as he is totally frustrated. Marilyn and I believe that the only way to achieve full access is to require by law that all programs be captioned. In our minds, the best way to accomplish this would be to pass a law that as each program is originally produced, captioning that program becomes a mandatory part of the production budget, and the program must be aired with captions. Program producers would never air a program without a soundtrack. Closed captions must be made a similar, automatic part of the production of every new program. After the program has been captioned, the law would then require it to be aired with captions

whenever it is aired by subsequent rights holders. This would eliminate the problem of having a program shown with captions a few times, but in its subsequent life on syndicated, cable or local stations, being aired with no captions. Regarding programs already in existence, this is a much tougher question and we would suggest a phase-in period of a number of years that would require the current rights holders to get these programs captioned.

(paragraph 14) As far as I know, the only local programming that is captioned are some of our local newscasts and these leave a lot to be desired. Large parts of each program do not have captions and therefore Justin is constantly being left out of what is being said on the newscasts.

(paragraphs 28-31) If there were mandatory captioning, I would propose some reasonable exemptions. Assuming the mandatory captioning would apply to EVERY program, regardless of where produced or on which channel it was broadcast, our proposed exemptions would be:

1. Programs that have no audio in English. For example, a classical music concert that had no dialogue or lyrics. This would not exempt other musical programming as contrary to popular belief, most deaf people enjoy music and want to know the lyrics.

2. Programs for whose total production budgets are less than \$25,000. Although we would want EVERY program to be accessible, on the other hand we do not want to see extremely small, independent program producers be unable to produce a program due to the captioning requirement. We feel if the cost of captioning can be done for less than 10% of the entire production budget, then there is no excuse for not providing this extremely valuable service.

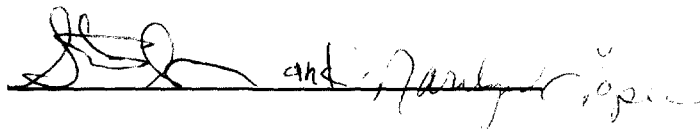
(paragraph 33) During the past 17 years, we have lived in Arizona, Florida, Massachusetts and Nevada and vacationed in many other states. In our experience, the frequency of garbled and other caption transmission problems is epidemic! It should be noted that we always subscribe to cable wherever we have lived and we are not talking about caption problems due to weak transmission signals. At least 25% to 50% of the time we look at various channels to see what's captioned, the shows that are being captioned have so many problems with the transmission that the captions are of no value and we have to try to find a different program. This is so unbelievably discouraging! Not only are very few programs captioned out of all that's being aired, but the few ones that are being captioned are being so fouled up by the cable companies that you lose half of them! We have called various cable companies over the years but to very little avail. We are not talking about real-time captioning of live

programming. We expect many problems with these broadcasts that are totally understandable. We ARE talking about all the 'off-line' captions, programs that were captioned long before they are broadcast, but that are being totally fouled-up when aired for whatever reasons. It is absolutely essential that there is some legal requirement that shows that are captioned must be aired properly! Quality control must be implemented and it has to be shared responsibility of the satellite system, cable operator, network, local affiliate, etc. that someone monitors the captions and does not allow these problems to occur!

CONCLUDING REMARKS

We have a profoundly deaf 17-year-old son whose life has been impacted by closed captions more than any other experiences. Without captions, he would be an extremely unhappy, uninformed person, with very poor English skills and a drag on society needing constant government support as an adult. However, due to captions, he has excellent English skills, can understand the world around him, take part in our culture and enjoy many entertainment options. He is currently in his junior year of high school and is mainstreamed in his neighborhood high school taking all college level classes. In fact, he is the only deaf person in each of his classes and is getting good grades. Both Marilyn and I firmly believe that his success is due to having closed caption accessibility during his life and we hope that he will become a productive member of our society and contribute to it rather than be a drain on it. We all hope for the day when EVERY program shown in any venue or media will be accessible via closed captions. When this day comes, it will benefit our society tremendously.

Respectfully Submitted,

Handwritten signatures of Stuart and Marilyn Gopen, with the word "and" written between them.

Stuart & Marilyn Gopen
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